

VZCZCXRO7458  
OO RUEHCHI RUEHCN RUEHDT RUEHHM  
DE RUEHBK #0520/01 0620315  
ZNY CCCCC ZZH  
O 030315Z MAR 09 ZDK  
FM AMEMBASSY BANGKOK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6237  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 6813  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 9472  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 5507  
RUEHUL/AMEMBASSY SEOUL PRIORITY 5305  
RUEHKO/AMEMBASSY TOKYO PRIORITY 1421  
RUEHCHI/AMCONSUL CHIANG MAI PRIORITY 6259  
RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY  
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000520

SIPDIS

E.O. 12958: DECL: 03/02/2019  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [KJUS](#) [TH](#)  
SUBJECT: THAI MFA PERMSEC RAISES LESE MAJESTE WITH  
AMBASSADOR MARCIEL AT ASEAN SUMMIT

BANGKOK 00000520 001.2 OF 002

Classified By: Charge d' Affaires James F. Entwistle, reason: 1.4 (b, d)  
)

¶1. (C) EAP Deputy Assistant Secretary and U.S. Ambassador for ASEAN Affairs Scot Marciel engaged Thai Ministry of Foreign Affairs (MFA) Permanent Secretary Virasadki Futrakul February 28 on the sidelines of the ASEAN Summit in Cha-am/Hua Hin regarding U.S.-bilateral relations and ASEAN issues (septel). During the meeting, Virasadki provided Ambassador Marciel a non-paper on lese majeste in response to coverage of lese majeste-related developments in the recently-released Country Report on Human Rights Practices. Marciel gave no response to the non-paper but said that he would carry it back to Washington.

¶2. (C) Virasadki expressed concern with the recently released Human Rights Report. He explained that, under the criminal code, anybody can bring charges of lese majeste, but in the past King Bhumibol had been lenient and always granted clemency to foreigners convicted of this offense. Virasadki stated that the RTG was very careful to ensure that this law was not misused; currently the RTG was reviewing who amongst the populace could bring charges of lese majeste. The RTG was reviewing the practices of EU countries with monarchies to see what types of reforms can be made.

¶3. (C) Virasadki urged that non-Thai should understand that lese majeste is a defensive mechanism to protect the institution of the monarchy, and that the institution of the monarchy was part and parcel of the Thai identity. He provided Ambassador Marciel with a note verbale on this topic. The text follows, with grammatical errors reproduced as in the original:

BEGIN TEXT

-----  
Thailand's Comments on the U.S. State Department's 2008 Human Rights Report

- We are greatly disappointed by the U.S. State Department,s human rights report concerning lese-majeste provision, which is part of Thailand,s Criminal Code.

- The U.S. State Department,s human rights report clearly illustrates a great misunderstanding of lese-majeste law, mainly its application, since it also contains general provisions on defamation and libel of private individuals.

- The rationale of the law is simple. The law is there to protect Thailand's national security because under the Thai Constitution, the monarchy is one of Thailand's principal institutions. This is also necessary as the King and other members of the Royal Family are above politics. The Constitution does not allow them to comment or act in their own defense. Therefore, this is the same rationale as the law on contempt of court. These institutions should remain above conflicts and not be drawn into one.

- Thailand upholds people's rights to freedom of speech and expression; such rights are guaranteed by the Thai Constitution. The lese-majeste law is not aimed at curbing neither these rights nor the legitimate exercise of academic freedom including the debates about the monarchy as an institution. All cases mentioned in the report, including the case of Giles Ungpakorn are under the due process of law and are subject to further proof of evidences and facts.

- Given the Thai peoples' appreciation of the King's devotion to their well-being during his reign, most Thais are deeply reverent and highly protective towards their King, hence their low tolerance for those suspected for lese-majeste. Such is part of the cultural or social values that have shaped the Thai public's views regarding the lese-majeste law and the protection of the monarchy as a principal national institution.

- Due to our countries' longstanding relationship of more than 175 years, Thailand and the U.S. have formed a close bond of friendship especially at the people-to-people level, therefore the insensitivities of this report have had a tremendous impact on the sentiments of the Thai people,

BANGKOK 00000520 002.2 OF 002

particularly when the U.S. is regarded as our closest friend.

- We urge the U.S. Department of State to properly address and rectify the misunderstandings in this report in order to prevent the further misinterpretation of Thailand's lese-majeste law, in which the Thai people abide by in their daily lives.

END TEXT  
-----

14. (U) Ambassador Marciel has cleared this cable.  
ENTWISTLE